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AUTHORITY: 25 U.S.C. 2706(b).

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#### § 547.1 What is the purpose of this part?

The Indian Gaming Regulatory Act, 25 U.S.C. 2703(7)(A)(i), permits the use of electronic, computer, or other technologic aids in connection with the play of Class II games. This part establishes the minimum technical standards governing the use of such aids.

#### § 547.2 How do these regulations affect state jurisdiction?

Nothing in this part shall be construed to grant to a state jurisdiction over Class II gaming or to extend a state's jurisdiction over Class III gaming.

#### § 547.3 What are the definitions for this part?

For the purposes of this part, the following definitions apply:

*Account access component.* A component within a Class II gaming system that reads or recognizes account access

media and gives a patron the ability to interact with his or her account.

*Account access medium.* A magnetic stripe card or any other medium inserted into, or otherwise made to interact with, an account access component in order to give a patron the ability to interact with an account.

*Audit mode.* The mode where it is possible to view Class II gaming system accounting functions, statistics, etc. and perform non-player-related functions.

*Agent.* An employee or other person authorized by the gaming operation, as approved by the tribal gaming regulatory authority, designated for certain decisions, tasks and actions in the gaming operation.

*Cancel credit.* An action initiated by the Class II gaming system where some or all of a player's credits are removed by an attendant and paid to the player.

*Cashless system.* A system that performs cashless transactions and maintains records of those cashless transactions.

*Cashless transaction.* A movement of funds electronically from one component to another, often to or from a patron deposit account.

*CD-ROM.* Compact Disc—Read Only Memory.

*Chairman.* The Chairman of the National Indian Gaming Commission.

*Class II game.* The same as “class II gaming” in 25 U.S.C. 2703(7)(A).

*Class II gaming system.* All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II games, including accounting functions mandated by these regulations.

*Commission.* The National Indian Gaming Commission established by the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*

*Coupon.* A financial instrument of fixed wagering value, usually paper, that can only be used to acquire non-cashable credits through interaction with a voucher system. This does not include instruments such as printed advertising material that cannot be validated directly by a voucher system.

*Critical memory.* Memory locations storing data essential to the

functionality of the Class II gaming system.

*DLL.* A Dynamic-Link Library file.

*Download package.* Approved data sent to a component of a Class II gaming system for such purposes as changing the component software.

*DVD.* Digital Video Disk or Digital Versatile Disk.

*Electromagnetic interference.* The physical characteristic of an electronic component to emit electronic noise either into free air, onto the power lines, or onto communication cables.

*Electrostatic discharge.* A single-event, rapid transfer of electrostatic charge between two objects, usually resulting when two objects at different potentials come into direct contact with each other.

*EPROM.* Erasable Programmable Read Only Memory—a storage area that may be filled with data and information, that once written is not modifiable, and that is retained even if there is no power applied to the machine.

*Fault.* An event that when detected by a Class II gaming system causes a discontinuance of game play or other component functions.

*Financial instrument.* Any tangible item of value tendered in Class II game play, including, but not limited to, bills, coins, vouchers and coupons.

*Financial instrument acceptor.* Any component that accepts financial instruments.

*Financial instrument dispenser.* Any component that dispenses financial instruments.

*Financial instrument storage component.* Any component that stores financial instruments.

*Flash memory.* Non-volatile memory that retains its data when the power is turned off and that can be electronically erased and reprogrammed without being removed from the circuit board.

*Game software.* The operational program or programs that govern the play, display of results, and/or awarding of prizes or credits for Class II games.

*Gaming equipment.* All electronic, electro-mechanical, mechanical, or other physical components utilized in the play of Class II games.

*Hardware.* Gaming equipment.

*Interruption.* Any form of misoperation, component failure, or interference to the Class II gaming equipment.

*Modification.* A revision to any hardware or software used in a Class II gaming system.

*Non-cashable credit.* Credits given by an operator to a patron; placed on an Class II gaming system through a coupon, cashless transaction or other approved means; and capable of activating play but not being converted to cash.

*Patron deposit account.* An account maintained on behalf of a patron, for the purpose of depositing and withdrawing cashable funds for the primary purpose of interacting with a gaming activity.

*Player interface.* Any component or components of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds, fixed units, etc.), that directly enables player interaction in a Class II game.

*Prize schedule.* The set of prizes available to players for achieving pre-designated patterns in the Class II game.

*Program storage media.* An electronic data storage component, such as a CD-ROM, EPROM, hard disk, or flash memory on which software is stored and from which software is read.

*Progressive prize.* A prize that increases by a selectable or predefined amount based on play of a Class II game.

*Random number generator (RNG).* A software module, hardware component or combination of these designed to produce outputs that are effectively random.

*Reflexive software.* Any software that has the ability to manipulate and/or replace a randomly generated outcome for the purpose of changing the results of a Class II game.

*Removable/rewritable storage media.* Program or data storage components that can be removed from gaming equipment and be written to, or rewritten by, the gaming equipment or by other equipment designed for that purpose.

*Server.* A computer that controls one or more applications or environments within a Class II gaming system.

*Test/diagnostics mode.* A mode on a component that allows various tests to be performed on the Class II gaming system hardware and software.

*Testing laboratory.* An organization recognized by a tribal gaming regulatory authority pursuant to § 547.4(f).

*Tribal gaming regulatory authority.* The entity authorized by tribal law to regulate gaming conducted pursuant to the Indian Gaming Regulatory Act.

*Voucher.* A financial instrument of fixed wagering value, usually paper, that can only be used to acquire an equivalent value of cashable credits or cash through interaction with a voucher system.

*Voucher system.* A component of the Class II gaming system or an external system that securely maintains records of vouchers and coupons; validates payment of vouchers; records successful or failed payments of vouchers and coupons; and controls the purging of expired vouchers and coupons.

**§ 547.4 How does a tribal government, tribal gaming regulatory authority, or tribal gaming operation comply with this part?**

(a) *Limited immediate compliance.* A tribal gaming regulatory authority shall:

(1) Require that all Class II gaming system software that affects the play of the Class II game be submitted, together with the signature verification required by § 547.8(f), to a testing laboratory recognized pursuant to paragraph (f) of this section within 120 days after November 10, 2008;

(2) Require that the testing laboratory test the submission to the standards established by § 547.8(b), § 547.8(f), § 547.14, the minimum probability standards of § 547.5(c), and to any additional technical standards adopted by the tribal gaming regulatory authority;

(3) Require that the testing laboratory provide the tribal gaming regulatory authority with a formal written report setting forth and certifying to the findings and conclusions of the test;

(4) Make a finding, in the form of a certificate provided to the supplier or manufacturer of the Class II gaming system, that the Class II gaming system qualifies for grandfather status under the provisions of this section, but only upon receipt of a testing laboratory's report that the Class II gaming system is compliant with § 547.8(b), § 547.8(f), the minimum probability standards of § 547.5(c), § 547.14, and any other technical standards adopted by the tribal gaming regulatory authority. If the tribal gaming regulatory authority does not issue the certificate, or if the testing laboratory finds that the Class II gaming system is not compliant with § 547.8(b), § 547.8(f), the minimum probability standards of § 547.5(c), § 547.14, or any other technical standards adopted by the tribal gaming regulatory authority, then the gaming system shall immediately be removed from play and not be utilized.

(5) Retain a copy of any testing laboratory's report so long as the Class II gaming system that is the subject of the report remains available to the public for play;

(6) Retain a copy of any certificate of grandfather status so long as the Class II gaming system that is the subject of the certificate remains available to the public for play; and

(7) Require the supplier of any player interface to designate with a permanently affixed label each player interface with an identifying number and the date of manufacture or a statement that the date of manufacture was on or before the effective date of this part. The tribal gaming regulatory authority shall also require the supplier to provide a written declaration or affidavit affirming that the date of manufacture was on or before November 10, 2008.

(b) *Grandfather provisions.* All Class II gaming systems manufactured or placed in a tribal facility on or before the effective date of this part and certified pursuant to paragraph (a) of this section are grandfathered Class II gaming systems for which the following provisions apply:

(1) Grandfathered Class II gaming systems may continue in operation for a period of five years from November 10, 2008.